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**James C. Kenney**  
Cabinet Secretary

**Jennifer J. Pruett**  
Deputy Secretary

Original via FedEx-Copy via Electronic Mail

September 8, 2020

Mr. Charles Maguire, Director  
Water Quality Protection Division (6WD)  
U. S. Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, Texas 75202

**Re: CWA §401 State Certification - Bloomfield Wastewater Treatment Plant, NM0020770**

Dear Director Maguire:

Enclosed, please find the state certification for the following proposed National Pollutant Discharge Elimination System (NPDES) permit NM0020770, Bloomfield Wastewater Treatment Plant. If any, comments and conditions are enclosed on separate sheets.

The U.S. Environmental Protection Agency (EPA) proposes to regulate discharges under the above referenced NPDES Individual permit. A state Water Quality Certification is required by the federal Clean Water Act (CWA) Section 401 to ensure that the action is consistent with state law (New Mexico Water Quality Act, New Mexico Statutes Annotated (NMSA) 1978, §§ 74-6-1 to -17) and complies with State of New Mexico Water Quality Standards, Water Quality Management Plan and Continuing Planning Process, including Total Maximum Daily Loads (TMDLs), and Antidegradation Policy.

Pursuant to State regulations for permit certification (Section 20.6.2.2001 New Mexico Administrative Code (NMAC)), EPA jointly with the New Mexico Environment Department (NMED) issued a public notice of the draft permit and announced a public comment period posted on the NMED web site at <https://www.env.nm.gov/surface-water-quality/public-notices/> on July 25, 2020. The NMED public comment period ended on August 24, 2020. NMED received comments from the City of Bloomfield and Envirotech, which were considered in this certification.

Sincerely,

**Shelly Lemon** Digitally signed by Shelly Lemon  
Date: 2020.09.08 10:00:40 -06'00'

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

cc: (w/ enclosures)  
Ms. Evelyn Rosborough, USEPA (6WDPN) via e-mail  
Mr. Brent Larsen, USEPA (6WDPE) via e-mail  
Nichole Young, USEPA (6WDPE) via e-mail

Jason Thomas, Public Works Director, City of Bloomfield via e-mail

David Sonnenberg, Water Reclamation Facility Operations Superintendent, City of Bloomfield via e-mail

Walter Hinchman, Envirotech via e-mail

Mr. Ken Mc Queen, Regional Administrator  
Environmental Protection Agency  
1201 Elm Street, Suite 500  
Dallas, TX 75202

September 8, 2020

**STATE CERTIFICATION**

**RE: Bloomfield Wastewater Treatment Plant, NM0020770**

Dear Regional Administrator McQueen:

The Cabinet Secretary of the New Mexico Environment Department (NMED) has delegated signatory authority for state certifications of federal Clean Water Act permits to the Surface Water Quality Bureau Chief. NMED examined the proposed NPDES permit referenced above. The following conditions are necessary to assure compliance with the applicable provisions of the Clean Water Act Sections 208(e), 301, 302, 303, 306, and 307 and with appropriate requirements of State law. Compliance with the terms and conditions of the permit and this certification will provide reasonable assurance that the permitted activities will be conducted in a manner which will not violate applicable water quality standards and water quality management plan and will be in compliance with the antidegradation policy.

The State of New Mexico

- ☒ (X) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law
- ☐ ( ) certifies that the discharge will comply with the applicable provisions of Sections 208(e), 301, 302, 303, 306 and 307 of the Clean Water Act and with appropriate requirements of State law upon inclusion of the following conditions in the permit (see attachments)
- ☐ ( ) denies certification for the reasons stated in the attachment
- ☐ ( ) waives its right to certify

In order to meet the requirements of State law, including water quality standards and appropriate basin plan as may be amended by the water quality management plan, each of the conditions cited in the draft permit and the State certification shall not be made less stringent.

The Department reserves the right to amend or revoke this certification if such action is necessary to ensure compliance with the State's water quality standards and water quality management plan.

Please contact Sarah Holcomb at (505) 827-2798, if you have any questions concerning this certification. Comments and conditions pertaining to this draft permit are attached.

Sincerely,

**Shelly Lemon**  Digitally signed by Shelly Lemon  
Date: 2020.09.08 10:01:01 -06'00'

Shelly Lemon, Bureau Chief  
Surface Water Quality Bureau

**State of New Mexico Comments on the Proposed NPDES Permit  
Bloomfield Wastewater Treatment Plant  
NM0020770  
September 8, 2020**

The following conditions are necessary to ensure that discharges allowed under the National Pollutant Discharge Elimination System (NPDES) permit protect State of New Mexico surface water quality standards (WQS) adopted in accordance with Section 303 of the Clean Water Act (CWA) and the New Mexico Water Quality Act (NMSA 1978, §§ 74-6-1 to -17). State of New Mexico (State) WQS are published in Title 20, Chapter 6, Part 4 of the New Mexico Administrative Code (20.6.4 NMAC), *Standards for Interstate and Intrastate Surface Waters*, as amended by the New Mexico Water Quality Control Commission (WQCC) on May 22, 2020 and approved by the U.S. Environmental Protection Agency (EPA) on July 24, 2020. Additional State WQS are published in Title 20, Chapter 6, Part 2 of the New Mexico Administrative Code (20.6.2 NMAC), *Ground and Surface Water Protection*, as amended by the WQCC on December 21, 2018.

NPDES regulations at 40 CFR 122.44(d)(1)(i) require that permit "...limitations must control all pollutants or pollutant parameters... which the Director determines are or may be discharged at a level which will cause, have the reasonable potential to cause, or contribute to an excursion above any State water quality standard..."

40 CFR Part 124.53(e) states that, "State certification shall be in writing and shall include: (1) Conditions which are necessary to assure compliance with the applicable provisions of CWA Sections 208(e), 301, 302, 303, 306 and 307 and with appropriate requirements of State law..."

**Conditions of Certification:**

1. none

**Comments that are not Conditions of Certification:**

1. The City of Bloomfield requested that the Pretreatment requirements in this proposed permit be modified to remove the sample frequency and monitoring requirements as found in Part II Appendix A of the permit. NMED suggests that the requirement for the Pretreatment Program implemented by the City of Bloomfield be similar to that found in the City of Artesia's NPDES Permit NM0022268.
2. The City of Bloomfield requested the sampling for TDS at the influent to the Drinking Water Treatment Plant be modified. NMED suggests that sampling methods for both influent and effluent be consistent to accurately compare to each other. The State would accept grab samples for TDS at each sample location.
3. Envirotech presented information concerning the Minimum Quantification Level (MQL) and the Minimum Detection Level (MDL) for the analytical chemistry of pollutants and the required methods for analysis. In response, the Permit in Part II. A. defines the requirements for the use of Sufficiently Sensitive Methods for the analysis of pollutants. Any additional questions are referred to the EPA.

**End of Comments that are not Conditions of Certification**